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U.S. Department of Justice



MEMO ENDORSED

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 22, 2022

BY ECF

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 7/26/22

Re: *United States v. Nicholas Montemarano and Oscar Abreu, 22 CR 400 (LAK)*

Dear Judge Kaplan:

Pursuant to a conversation with Chambers, the Government respectfully writes to formally request that the Court schedule an initial pretrial conference in the above-captioned case. The defendants were arraigned by the Honorable Ona T. Wang yesterday and the parties understand that the Court may have availability for an initial pretrial conference in September. The Government has conferred with defense counsel and understands that defense counsel are available on September 9, 12, 13, and 14, and the Government is available at the Court's convenience. The defendants are both in custody at the Metropolitan Detention Center Brooklyn.

At the conclusion of the arraignment, Judge Wang granted the Government's consent motion to exclude time under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A) until a control date of August 19, 2022. The Government respectfully requests that the Court exclude time under the Speedy Trial Act until the date of the initial pretrial conference as ordered by the Court, as such an exclusion will permit time for the Government to produce discovery and for the parties to discuss potential pretrial resolutions.

The conference will be on Sept. 12 at 3 pm. Respectfully submitted,

This is excluded to and DAMIAN WILLIAMS
including 8/12/22. The United States Attorney
intervening thereafter,

is dedicated above, by: Brandon D. Harper
outweigh the interests Assistant United States Attorney
of the public and the
defendant in a speedy
trial.

cc: Counsel for defendants via ECF
SO ORDERED

LEWIS A. KAPLAN, USDI

7/26/22